

02/23/2004

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**FEB 23 2004**

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**Date:** February 23, 2004  
**To:** U.S. Patent and Trademark Office - Group Art Unit 1653  
**Attention:** Examiner Samuel W. Liu  
**Facsimile No.:** 1 (703) 872-9306  
**Re:** U.S. Patent Application Serial No. 09/469,733  
**Atty. File No.:** 42830-00060  
**From:** Ross E. Breyfogle, Esq.  
Direct Dial: (720) 747-8868  
**Message:** Please see the following correspondence. Thank you.

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**Number of pages following this cover sheet: 02**

**If you need a confirmation or any of the pages sent again, please call our offices at the following number: 303-338-0997. SENT BY: Daxmara Sanchez, Legal Asst.**

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## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 23 2004

In Re the Application of:

ETTER

Serial No.: 09/469,733

Filed: December 21, 1999

Atty. File No.: 42830-00060

Confirmation No.: 5320

For: "PARTICULATE INSULIN-  
CONTAINING PRODUCTS AND  
METHOD OF MANUFACTURE"

) Group Art Unit: 1653

) Examiner: Samuel W. Liu

) SUMMARY OF TELEPHONE  
) INTERVIEW) **CERTIFICATE OF FACSIMILE  
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) BY FACSIMILE TO THE U.S. PATENT  
) AND TRADEMARK OFFICE (FAX NO.  
) 703-872-9306) ON FEBRUARY 23, 2004.

) MARSH FISCHMANN &amp; BREYFOGLE, LLP

) BY: 

) DAXMARA SANCHEZ

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication summarizes a telephone interview on February 23, 2004 between Examiner Samuel W. Liu and the undersigned. During the telephone interview, the undersigned authorized entry of the following claim amendments to be made by Examiner's Amendment, leading to allowance of the application:

In Claim 2, delete the text "an order of magnitude" and insert therefore --10 times--;

Cancel Claim 14;

In Claim 18, delete the text "Claim" and insert therefore --claim--;

In Claims 26 and 28, delete the text "C<sub>1</sub>-C<sub>3</sub>" and insert therefore --C<sub>1</sub>-C<sub>5</sub>--;

In Claim 46, delete the comma immediately following the text "50 percent"; and

In Claim 47, delete the comma immediately following the text "70 percent".

The Examiner indicated that with entry of these amendments by Examiner's Amendment, a Notice Of Allowance would issue on the application.

It is believed that no fee is due with this communication. If, however, any fee is due, please debit such fee to Deposit Account No. 50-1419. Moreover, it is believed that filing of this correspondence does not require an extension of time under 37 C.F.R. Sec 1.136(a), however if such an extension is required, please consider this communication as including a petition for such extension and debit extension fees to Deposit Account No. 50-1419.

For any questions concerning this communication, please contact the undersigned at his direct dial telephone number of (720) 747-8868.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

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